

(Court)

(Petitioner)

vs.

(Respondent)

No.

(To be supplied by Clerk of the Court)

Petition for Writ of

(TITLE OF WRIT)

Name of person in custody:

(IF OTHER THAN PETITIONER)

Relationship of petitioner to person in custody:

INSTRUCTIONS - READ CAREFULLY

Set forth in concise form the answers to each applicable question. If you do not know the answer to any question, you should so state. If necessary, you may finish the answer to a particular question on an additional blank page, but make it clear to which question any such continued answer refers.

You should exercise care to assure that all answers are true and correct. Since the petition contains a verification, the making of a statement which you know is false may result in a conviction for perjury.

When the petition is filed with the Superior Court or judge thereof, only the original must be filed unless additional copies are required by local court rules.

When the petition is filed with the District Court of Appeal or justice thereof, an original and three copies must be filed.

When the petition is filed with the Supreme Court or justice thereof, an original and ten copies must be filed.

In addition, the law requires the service of a copy of the petition on the district attorney, city attorney or city prosecutor in certain cases (Pen. Code § 1475, Gov. Code § 72193).

Petitioner should attach all relevant records or documents supporting his claims.

Approved by the Judicial Council of California for use under Rules 56.5 and 201 (f) of the California Rules of Court [as adopted effective Jan. 1, 1966].

1. _____ in whose behalf the writ is applied
(NAME OF PERSON IN CUSTODY)
for is confined or restrained of his liberty at _____
(PLACE OF DETENTION)
by *(Name of person or persons having custody - if names not known describe such person or persons)*
2. Name and location of court under whose process person is confined:
3. Nature of court proceeding (e.g., criminal case, commitment for narcotics addiction, insanity, or mentally disordered or abnormal sex offender) and the case number, if known, resulting in the confinement:
4. The date of the judgment, order or decree for confinement and its terms:
5. What plea was entered in the above proceeding? (E.g., guilty, not guilty, not guilty by reason of insanity, nolo contendere, etc.)
6. Check whether trial or hearing was by
(a) ☐ A jury
(b) ☐ A judge without a jury
7. Was an appeal taken?
8. If you answered "yes" to (7), list
(a) The name of each court to which an appeal was taken:
i
ii
iii
(b) The result in each such court:
i
ii
iii
(c) The date of each such result and, if known, citations of any written opinions or orders entered:
i
ii
iii
9. If the answer to (7) was "no" state the reasons for not so appealing:
10. State concisely the grounds on which you base your allegation that the imprisonment or detention is illegal:
(a)
(b)

(c)

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a)

(b)

(c)

12. Have any other applications, petitions, or motions been filed or made in regard to the same detention or restraint?

13. If you answered "yes" to (12), list with respect to each petition, motion or application:

(a) The specific nature thereof:

i

ii

iii

iv

(b) The name and location of the court in which each was filed:

i

ii

iii

iv

(c) The disposition thereof:

i

ii

iii

iv

(d) The date of each such disposition:

i

ii

iii

iv

(e) If known, citations of any written opinions or orders entered pursuant to each such disposition:

i

ii

iii

iv

14. Has any ground set forth in (10) been previously presented to this or any other court, state or federal, in any petition, motion or application?

15. If you answered "yes" to (14), identify:

(a) Which grounds have been previously presented:

i

ii

iii

(b) The proceedings in which each ground was raised:

i

16. If any ground set forth in (10) has not previously been presented to any court, state or federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a)

(b)

(c)

17. In the proceeding resulting in the confinement complained of, was there representation by an attorney at any time during the course of:

(a) The proceedings prior to trial?

(b) The trial or hearing?

(c) The sentencing or commitment?

(d) An appeal?

(e) The preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction?

18. If you answered "yes" to one or more parts of (17), list the name and address of each such attorney and the proceeding in which he appeared:

(a)

(b)

(c)

19. Is the person in custody presently represented by an attorney in any matter relating to this confinement?

If so, state the attorney's name and address:

20. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court.

I, the undersigned, say:

I am the petitioner in this action; the above document is true of my own knowledge, except as to matters that are stated in it on my information and belief, and as to those matters I believe it to be true.

Executed on _____ at _____, California.

I declare under penalty of perjury that the foregoing is true and correct.

(SIGNATURE)